

REMARKS

Claims 1-4, 6-10, 41, 46-53, and 58-80 are pending in the application and were rejected in an Office Action dated June 29, 2005. Claims 1, 10, 41, and 62 have been amended, and new claim 81 is added. Applicant respectfully requests reconsideration of the rejections in view of the following remarks.

Claims 1, 2, 4, 7, 9, 10, 41, 46, 48, 50, 52, 53, 60-65, 67-69, and 71-80 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mezzatesta, Jr. et al., U.S. Patent No. 5,349,276. The Mezzatesta reference teaches a motor control system for controlling the operation of a motor in an amusement park ride in accordance with a predetermined speed profile (see col. 1, lines 16-48; col. 4, lines 19-20). The described system includes a relatively complex assembly of a speed monitoring interface unit, a ride control computer, and a variable frequency drive signal generator (VFD) (see col. 3, line 66, to col. 4, line 22). The speed monitoring interface unit monitors the motor speed and compares it against a motor speed profile to determine if there are discrepancies (see col. 4, lines 7-11). The ride control computer provides motor command signals to the VFD, receives speed monitor signals from the speed monitoring interface unit, and checks for the occurrence of unexpected combinations of signal values for purposes of ensuring that the motor operates in accordance with the predetermined motor speed profile (see col. 4, lines 2-22).

Claim 1 has been amended to draw further attention to the recitation of the throttle signal being operable to induce motion of a toy vehicle in response to a throttle controlled by a person. Similarly, the claim recites a method for controlling acceleration of a toy vehicle configured to be operated by a person. The Mezzatesta reference is unrelated to such techniques, and the reference fails to teach or suggest controlling motion of a toy vehicle operated by a person. Instead, the reference describes a complex control system for a computer-controlled amusement park ride. In the Advisory Action dated September 14, 2005, the Examiner asserts that the drive signals of the Mezzatesta reference operate the same as the claimed throttle signal. Contrary to this assertion, the drive signals are not produced in response to a throttle controlled by a person,

nor are they for operating a toy vehicle. Accordingly, claim 1 and its dependent claims are allowable over the cited art.

Furthermore, claim 2 recites that the transition signal comprises a pulse width modulation signal having a plurality of different duty cycles, and each different duty cycle comprises a signal level of the transition signal. The Examiner asserts that the Mezzatesta reference teaches this limitation because the reference mentions pulse-width signals at col. 5, lines 33-37. The reference, however, does not teach or suggest different duty cycles or pulse width modulation. Instead, the reference teaches pulse-width signals having a varying frequency (e.g., the signals are produced by a variable frequency drive signal generator). Accordingly, claim 2 is further allowable over the cited art.

Claim 4 recites that the motor includes a high and low terminal with the transition signal being applied to the low terminal of the motor. The reference does not teach or suggest applying a transition signal to a low terminal of a motor, nor does the Office Action include a citation to any portion of the reference that is asserted to teach such a limitation. Accordingly, claim 4 is further allowable over the cited art.

Claim 10 recites receiving a shift signal indicative of an activation of a control for changing a direction of motion for a toy vehicle; responsive to the shift signal and if power is being applied to the motor, a delay is initiated, and a transition signal is applied to the motor. The Examiner cites the Mezzatesta reference, at col. 7, line 62, to col. 8, line 25, as teaching the limitations of claim 10. However, neither the cited portions of the reference nor any other part of the reference teach or suggest, among other things, receiving a shift signal indicative of an activation of a control for changing a direction of motion for a toy vehicle or initiating a delay in response to the shift signal. Accordingly, claim 10 is further allowable over the cited art.

Independent claims 41, 62, and 72 recite limitations similar to that of claim 1. In particular, the claims recite a switch controlled by a person that is used to produce a throttle signal and that the throttle signal is operable to induce motion via a motor operating as a drive mechanism of a toy vehicle. Accordingly, for reasons stated above in connection with claim 1, claims 41, 62, and 72 and their respective dependent claims are also allowable over the cited art.

Claim 46 includes limitations similar to those of claim 2 and is further allowable over the cited art for the reasons discussed above in connection with claim 2.

Claim 48 includes limitations similar to those of claim 4 and is further allowable over the cited art for the reasons discussed above in connection with claim 4.

Claim 53 includes limitations similar to those of claim 10 and is further allowable over the cited art for the reasons discussed above in connection with claim 10.

Claim 60, which depends from claim 41, recites instructions that cause a processor to detect a change in the throttle signal from the second level to the first level followed by a second change in the throttle signal from the first level to the second level within a predetermined time. A second transition signal is generated in response to detecting the second change within the predetermined time of detecting the change from the second level to the first level, and the second transition signal is operable to ramp up power to the motor starting from a power level that depends on a time duration between the change from the second level to the first level and the second change. The reference does not teach or suggest the limitations of claim 60, nor does the Office Action include a citation to any portion of the reference that is asserted to teach such limitations. Accordingly, claim 60 is further allowable over the cited art.

Claim 61, which depends from claim 60, recites that power to the motor is ramped up by increasing a duty cycle of a pulse width modulation. The Examiner asserts that the Mezzatesta reference teaches this limitation because the reference mentions pulse-width signals at col. 5, lines 33-37. The reference, however, does not teach or suggest increasing a duty cycle or a pulse width modulation. Instead, the reference teaches pulse-width signals having a varying frequency (e.g., the signals are produced by a variable frequency drive signal generator). Accordingly, claim 61 is further allowable over the cited art.

Claim 63 recites that the binary throttle signal is generated by a binary switch. The Examiner apparently asserts that the contactor 22 of the Mezzatesta reference corresponds to the binary switch recited in the claim. However, the disclosed contactor does not generate the signal that the Examiner asserts is the throttle signal, as recited in claim 63. Accordingly, claim 63 is further allowable over the cited art.

Claim 67 includes a limitation similar to some of the limitations of claim 10 and is further allowable over the cited art for the reasons discussed above in connection with claim 10.

Claim 68 includes limitations similar to those of claim 60 and is further allowable over the cited art for the reasons discussed above in connection with claim 60.

Claim 69 is dependent on claim 68 and recites that the first power level is determined in accordance with an algorithm that decreases the first power level with increasing amounts of time between the change from the high signal to the low signal and the change from the low signal to the high signal. The reference does not teach or suggest such a technique, nor does the Office Action include a citation to any portion of the reference that is asserted to teach such a limitation. Accordingly, claim 69 is further allowable over the cited art.

Claim 73 includes a limitation similar to the limitation of claim 63 and is further allowable over the cited art for the reasons discussed above in connection with claim 63.

Claim 76 includes a limitation similar to some of the limitations of claim 10 and is further allowable over the cited art for the reasons discussed above in connection with claim 10.

Claim 77 includes limitations similar to the limitations of claim 60 and is further allowable over the cited art for the reasons discussed above in connection with claim 60.

Claim 78 includes limitations similar to the limitations of claim 69 and is further allowable over the cited art for the reasons discussed above in connection with claim 69.

Claims 6, 8, 49, 51, 58, 59, and 70 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Mezzatesta in view of Porter et al., U.S. Patent No. 5,056,613. The Porter reference discloses a vehicle speed control system (i.e., for a vehicle cruise control) for reducing audible gear chatter. As such, the Porter reference is entirely unrelated to the Mezzatesta reference. The Office Action asserts that it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the references to reach the limitations of certain claims. There is no motivation or suggestion to combine the references, however, and the reasons provided in the Office Action constitute an improper hindsight reconstruction of the invention. Accordingly, claims 6, 8, 49, 51, 58, 59, and 70 are allowable over the cited art.

Applicant : Norman et al.
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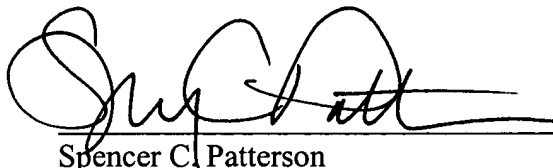
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due at this time. However, if Applicant is incorrect, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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